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Secretary to C.C.S.T. (PESHI)
03 JAN 2023
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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division – Allegations of Corruption harassment, indiscipline and abuse of official power – Preliminary enquiry conducted - Allegation prima facie proved – Disciplinary Proceedings initiated under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 – Article of Charges - Issued.

REVENUE(CT-II) DEPARTMENT

G.O.Rt.No.01 Dated: 02.01.2023.

Read the following:-

G.O.Ms.No.02 Revenue(CT.II) Dept., dated 02.01.2023.

* * * * *

O R D E R:

In continuation to the G.O. read above, it is proposed to hold an enquiry against Sri M. Sudhakara Rao, Joint Commissioner(State Tax) Visakhapatnam-II Division, in accordance with the procedure laid down in Rule 20 of the said rules.

2. The substance of the imputations of misconduct or misconduct or misbehaviour in respect of which the inquiry is proposed to be held, is set out in the enclosed statement of articles of charge (Annexure-I) and the imputations of misconduct or misbehaviour in support of each article of charge, is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained, are also enclosed (Annexure-III & IV).

3. Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division, is directed to submit within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division, is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be processed based on the material available.

(PTO)

6. Attention of Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam- II Division is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N GULZAR
SECRETARY TO GOVERNMENT

To
Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division (w.e. Anneuxure-I to IV) **through** the Chief Commissioner of State Tax, A.P., Guntur Dist. (with a request to serve the order on the individual and send the served copy with dated signature to Government).
Copy to
The Chief Commissioner of State Tax, Andhra Pradesh, Guntur.
SF/SC.

//FORWARDED::BY ORDER//

K. Sreenu
SECTION OFFICER

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12/1/2023
(M Sudhakara Rao)
JC-2, VSP.

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ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST Sri M. SUDHAKARA RAO , JOINT COMMISSIONER (STATE TAX), VISAKHAPATNAM DIVISION-II DIVISION.

Charge:-I

That one M/s PSN Sastry, Advocate, (through e-mail letter Dated.02.12.2022) has filed a complaint against certain employees working under the control of Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division, has committed grave misconduct in as much as, he allowed the staff working under his control for committing the unlawful activities by using their powers to threaten the dealers community as well as the departmental persons with the intention of huge illegal gratifications.

Charge:-II

That Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division has failed in regular day to day administration and exercised slack supervision.

Charge:-III

Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division allowed the deputations unauthorizedly i.e officers of other offices to work in his office even though the individuals have been officially transferred and relieved in the month of July 2022 and thus, violated the transfer guidelines and exhibited utter insubordination by disobeying the superior officers instructions.

Charge:-IV

Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division has vicarious responsibility on the misconduct/misbehavior of the officers and staff working in O/o the JC, VSP-II division i.e., Sri.P.Prasanth Kumar GSTO,Sri.Syed Aziz, GSTO, Sri.B.V.Anand, GSTO, and Sri. R. Subbareddy, AEO, Sri.J.Dharampal, AEO and Sri. B.Someswara Rao, AEO of Airport Circle as they have indulged in illegal practices by approaching the taxpayers and collecting formalities in his name.

Thus, Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division, by his above mentioned acts exhibited grave misconduct , lack of integrity, devotion to duty and conduct which is unbecoming of a Government servant and thus violated the provision laid down under rule 3 (1), (2) and (5) of A.P.C.S. (Conduct), Rules, 1964.

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K. Sreenath
SECTION OFFICER

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ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI M. SUDHAKARA RAO, JOINT COMMISSIONER (ST), VISAKHAPATANAM-II DIVISION.

-o0o-

It has been brought to the notice of the Government that, one M/s PSN Sastry, Advocate, (through e-mail letter Dated.01.12.2022) has filed a complaint against certain employees working under control of Sri M. Sudhakara Rao, Joint Commissioner (ST), Visakhapatnam-II Division.

Facts of evidence of Charges:-

M/s PSN Sastry, Advocate complained that, the subordinate officers and staff under the control of Joint Commissioner (ST), Visakhapatnam-II Division i.e., Sri P. Jayasankar, while working as Deputy Commissioner (ST), Visakhapatnam-II division, has committed unlawful activities since six months and during this short period, he has earned Crores of rupees and using his powers to threaten the dealers community as well as the departmental persons with an intention of demand huge illegal gratification. Sri P. Jayasankar, has formed one team (collection wing) with Sri P. Prasanth Kumar, GSTO, Sri B.M.M. Kishore, GSTO, Sri Prasanth Bhushan, A.E.O. and Sri P.Prasanna Kumar, GSTO, O/o the Joint Commissioner (ST), Visakhapatnam-II Division, only to collect bribes in an around in Visakhapatnam-II Division and Anakapalli districts on behalf of the JC(ST), VSPII Division and giving assurance to the dealers that, no further interceptions, audits and harassment will be made in this financial year. Additionally, the corruption team of DC(ST), arranging confrontation to the Trade Associations with JC(ST), after negotiations, they are getting huge bribe from the respective trade associations. After giving assurance, collected huge formalities from the Tax Payers in the name of new building construction of O/o the JC(ST), Visakhapatnam-II Division, likewise per year as:

1. Builders Association.... Rs.60,00,000/- (Two Districts)
2. Iron and Steel... Rs.15,00,000/- (Two Districts)
3. Works Contractor (Railways)... Rs.15,00,000/- (Two Districts)
4. Alluminium & Brass, Iron Scrap Dealers Association... Rs.25,00,000/- (Two Districts)

Further, the complainant informed that, Sri P. Jayasankar, while working as Deputy Commissioner (ST) (now under suspension),

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unauthorizedly utilized the services of Sri P. Prasanth Kumar, GSTO, at the O/o the JC(ST), Visakhapatnam-II Division, but, his actual working place is Anakapalli.

The complainant also informed that, the subordinate officers and staff of the Joint Commissioner (ST), Visakhapatnam-II Division i.e., Sri P. Jayasankar, DC(ST) (now under suspension) and his team collected frailties from the transporters, charged accounts and the department authorities in circles in the name of visit expenditure during the visits of Secretary to Government (CT) along with Chief Commissioner (ST), to the Visakhapatnam Division-I & II.

The complainant further informed that, the Subordinate Officer to the Joint Commissioner (ST), Visakhapatnam-II Division i.e., Sri P. Jayasankar, while working as Deputy Commissioner (ST) (now under suspension), has harassed their staff as well as Circle Officers intentionally; contacted the dealers through phone and settled the formalities from the Dealers.
The complainant also alleged that, the subordinate officer and others to the Joint Commissioner (ST), Visakhapatnam-II Division, have demanded and collected the formalities from the Circles, per every month Rs.50,000/- .

Thus, Sri M. Sudhakara Rao, Joint Commissioner(ST) Visakhapatnam-II Division, by his above mentioned acts exhibited grave misconduct, lack of integrity, devotion to duty and conduct which is unbecoming of a Government servant and thus violated the provision laid down under rule 3 (1), (2) and (5) of A.P.C.S. (Conduct), Rules, 1964.

Hence, the charge.

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI M. SUDHAKARA RAO, JOINT COMMISSIONER (ST), VISAKAPATNAM-II DIVISION ARE PROPOSED TO BE SUSTAINED

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1. Compliant received from the M/s PSN Sastry Advocate, D.No 58-22-48, NAD Kotha Road Visakhapatnam through e-mail dated 02.12.2022

2. Preliminary report as submitted by Additional Commissioner(ST) O/o RO, Visakhapatnam Ref No 03/Confidential /RO, Visakhapatnam dt 06.12.2022.

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ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SR I M. SUDHAKARA RAO, JOINT COMMISSIONER (ST), VISAKAPATNAM-II DIVISION ARE PROPOSED TO BE SUSTAINED

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(1) Sri S. Sekhar, Additional Commissioner (ST), O/o. R.O., Visakhapatnam.

(2) Sri P.S.N. Sastry, Advocate, D.No.58-22-48, Nad Kotha Road, Visakhapatnam.

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SECRETARY TO GOVERNMENT

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